

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

REMARKS

Claim 8 has been amended to clarify the recitation of substituted acrylamides and substituted acrylates. No new matter has been added. Claims 1-13, 26 and 27 are pending in the application.

Rejections under 35 U.S.C. § 102

Rejection over Kawano et al.

Claims 1-13, 26 and 27 were rejected under 35 U.S.C. § 102(b) over Kawano et al. (U.S. Pat. No. 5,478,631). The Office Action asserts that Kawano et al. discloses a nonwoven fabric with a coating containing a 2-methacryloyloxyethylene trimethyl ammonium compound, and that this compound is equivalent to the triggerable cationic polymer containing quaternary ammonium groups. Based on this alleged equivalence, the Office Action asserts that it is inherent that the polymer in the coating of Kawano et al. possesses solubility properties as claimed.

The rejection of the claims as anticipated by Kawano et al. is respectfully traversed. The reference does not disclose, either explicitly or inherently, each and every element of the claims. Specifically, the reference does not disclose a wet wipe containing a wetting solution, where the wet wipe is dispersible. Independent claims 1, 12, 26 and 27 each recite a wet wipe comprising fibrous material, where:

... said fibrous material being wetted by a wetting solution containing at least about 0.5 weight percent of a divalent metal salt ...

and

... said wet wipe is dispersible in tap water.

Although the Office Action makes assertions regarding solubility properties inherent in the polymer of Kawano et al., these claim elements related to the fibrous material and to the wet wipe have not yet been addressed by the Office.

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

In contrast to the dispersible wet wipe containing a wetting solution, as recited in the claims, Kawano et al. discloses an ink receptive layer on a substrate, where the ink receptive layer is desirably *resistant to water*. Table 2 of Kawano et al. provides results for the water resistance of the ink receptive layer and the water resistance of an image recorded in ink on the layer. The layers of Examples 13-17 and 21-24 are reported in this table as having very strong resistance to water, which is in opposition to the water dispersibility recited in the claims. The layer formulations of these examples include the cationic polymer referred to in the Office Action. Kawano et al. cannot disclose each and every element of the claims, as the reference teaches products that are resistant to water, rather than being dispersible.

With respect to the wetting solution recited in the claims, Applicants note that the Office Action refers to a "wetting agent" as being disclosed in the reference. It is unclear if this is an effort to correlate the wetting agent of Kawano et al. with the claimed wetting solution. Applicants note that the wetting agent of Kawano et al. is listed as one of a variety of additives to an aqueous composition (col. 8, lines 52-60), and thus the disclosed wetting agent cannot be a wetting solution as recited in the claims.

Moreover, Applicants respectfully point out that there are numerous claim elements that have not been addressed in the pending Office Action. These claim elements appear not only in the dependent claims but also in independent claims 12 and 27. For example, independent claims 12 and 27 and dependent claims 5-11 and 13 recite specific monomers or types of monomers in the cationic polymer in addition to a cationic monomer. In contrast, the cationic polymers disclosed in Kawano et al. are homopolymers made from a single species of cationic monomer, rather than from a combination of ionic and non-ionic monomers (col. 6, lines 48-61). These homopolymers, by definition, cannot be "identical" to the copolymers recited in claims 5-13 and 27, and thus cannot be held out as inherently possessing the properties of these copolymers without additional evidence on the record.

In another example, claims 2-4 and 13 each recite specific divalent metal salts or types of divalent metal salts. Although the Office Action makes reference to a disclosure of calcium chloride, evidence has been presented only for a disclosure of

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

calcium sulfate, and not the halide salts recited in these claims. In fact, Kawano et al. does not appear to disclose any halide salts whatsoever, including calcium chloride. The only divalent metal salts that appear to be disclosed are silicates, carbonates, sulfates and hydroxides used as pigments (col. 5, lines 21-29). Thus, claims 2-13 and 27 each recite claim elements that are not disclosed in Kawano et al., and that have not yet been asserted by the Office Action as disclosed in the reference.

The Kawano et al. reference fails to disclose each and every element of claims 1-13 and 26-27. Accordingly, Kawano et al. cannot anticipate the pending claims, and Applicants respectfully request that this rejection be withdrawn.

Rejection over Swisher et al.

Claims 1-13, 26 and 27 were rejected under 35 U.S.C. § 102(e) over Swisher et al. (U.S. Pat. No. 6,265,049). The Office Action asserts that Swisher et al. discloses a nonwoven fabric with a coating containing a 2-methacryloyloxyethylene trimethyl ammonium compound, and that this compound is equivalent to the triggerable cationic polymer containing quaternary ammonium groups. Based on this alleged equivalence, the Office Action asserts that it is inherent that the polymer in the coating of Swisher et al. possesses solubility properties as claimed.

The rejection of the claims as anticipated by Swisher et al. is respectfully traversed. The reference does not disclose, either explicitly or inherently, each and every element of the claims. Specifically, the reference does not disclose a wet wipe containing a wetting solution, where the wet wipe is dispersible. As noted above, independent claims 1, 12, 26 and 27 each recite a wet wipe comprising fibrous material, where:

... said fibrous material being wetted by a wetting solution containing at least about 0.5 weight percent of a divalent metal salt ...

and

... said wet wipe is dispersible in tap water.

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

As also noted above, although the Office Action makes assertions regarding solubility properties inherent in the polymer of Swisher et al., these claim elements related to the fibrous material and to the wet wipe have not yet been addressed by the Office.

In contrast to the dispersible wet wipe containing a wetting solution, as recited in the claims, Swisher et al. does not disclose a product that is dispersible in tap water or that contains a wetting solution. There is no disclosure in Swisher et al. regarding the dispersibility of products that have been coated with the disclosed coating composition. The only disclosure regarding a change in solubility properties is in the discussion of "insolubilizers" at col. 12, lines 18-50. However, these insolubilizers are actually reactive agents that provide permanent crosslinking. Thus, the polymer in the coating composition of Swisher et al. can be applied easily in a dissolved or dispersed form and then made insoluble or non-dispersible after the coating is applied. A cured coating such as this would not become dispersible upon removal or dilution of the insolubilizer. That is, the dispersibility of the coated substrate of Swisher et al. is not dependent on the concentration of a salt or of an insolubilizing agent at a given time. Moreover, the product of Swisher et al. is disclosed as being compatible with an aqueous treatment. As disclosed at col. 15, lines 25-51, an overcoating may be applied as an aqueous mixture onto a substrate that has previously been coated with the coating composition of Swisher et al.. There is no mention of any concerns regarding the dispersion of the coated product in the presence of this aqueous medium.

Moreover, as noted above with respect to Kawano et al., Applicants respectfully point out that there are numerous claim elements that have not been addressed with respect to the Swisher et al. reference. For example, independent claims 12 and 27 and dependent claim 7 recite specific monomers in the cationic polymer, including 2-ethylhexyl acrylate. Swisher et al. does not disclose 2-ethylhexyl acrylate as a comonomer, nor has the Office Action asserted that Swisher et al. discloses this comonomer. In another example, claims 2-4 and 13 each recite specific divalent metal salts or types of divalent metal salts. The Office Action has asserted only the disclosure of an insolubilizing agent in the reference, rather than asserting the disclosure of the divalent metal halide salts recited in these claims. Applicants respectfully point out that

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

the pending claims do not recite an "insolubilizing agent." In fact, Swisher et al. does not appear to disclose any divalent metal salts at all. As noted above, the insolubilizing agent of Swisher et al. is not disclosed as a salt but rather as a permanent crosslinking agent. Thus, claims 2-4, 7, 12, 13 and 27 each recite claim elements that are not disclosed in Swisher et al., and that have not been asserted by the Office Action as disclosed in the reference.

The Swisher et al. reference fails to disclose each and every element of claims 1-13 and 26-27. Accordingly, Swisher et al. cannot anticipate the pending claims, and Applicants respectfully request that this rejection be withdrawn.

Double Patenting

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting over claim 19 of copending application Serial No. 09/815,251. Claim 12 was rejected under the judicially created doctrine of obviousness-type double patenting over claim 19 of copending application Serial No. 09/815,251 in view of Brodnyan et al. (U.S. Pat. No. 4,356,229).

In accordance with MPEP § 804(I.)(B), Applicants request that this rejection be withdrawn. The copending application Serial No. 09/815,251 has not yet issued. If the provisional double patenting rejection is the only rejection remaining in the present application, Applicants request that the present application be allowed to issue.

Appl. No. 09/815,243
Amdt. dated October 21, 2003
Reply to Office action of July 10, 2003

CONCLUSION

In conclusion, all of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Also submitted at this time is a Petition For Extension of Time for one (1) month.

Respectfully submitted,

10/21/03


Jonathan P. Taylor, Ph.D.
Registration No. 48,338
Agent for Applicant

RECEIVED
CENTRAL FAX CENTER
OCT 22 2003

OFFICIAL

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200